

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MARYLAND**

COALITION FOR EQUITY AND
EXCELLENCE IN MARYLAND
HIGHER EDUCATION, *et al.*,

Plaintiffs,

v.

MARYLAND HIGHER EDUCATION
COMMISSION, *et al.*,

Defendants.

Civil Action No.: 1:06-cv-02773-CCB

SPECIAL MASTER PROPOSAL

The Court's November 8, 2017 order directed the parties to submit names, resumes and cost proposals for suggested candidates to serve as the Special Master to develop a state-wide remedial plan to implement the Court's injunction. ECF 642. In compliance with that order, the State of Maryland proposes that the Court engage Dr. Richard Rhoda to serve as Special Master.¹ With more than forty years of experience in the Tennessee higher education system, Dr. Rhoda possesses the "appropriate experience in the field of higher education" to serve as Special Master.² ECF 642 ¶ 2. Having served across multiple types and levels of higher education administration—from executive director of the Tennessee Higher

¹ The State submits this proposal in compliance with the Court's order and without prejudice to its motions to stay all proceedings pending the parties' appeals, ECF 662, and to stay the Special Master selection process, ECF 663.

² Dr. Rhoda's resume is attached as Exhibit A.

Education Commission, to interim president at Austin Peay State University, to service at both Tennessee State University (a public HBI), and Vanderbilt University (a highly competitive private institution)—Dr. Rhoda has the requisite experience to address the needs of each HBI in conjunction with the Court’s order, while accounting for the likely impacts on the State’s higher education system.

I. DR. RHODA POSSESSES THE APPROPRIATE EXPERIENCE IN HIGHER EDUCATION ADMINISTRATION.

Dr. Rhoda began his career in higher education in 1973 at the Tennessee Board of Regents, where he served for twelve years. After rising to the position of executive assistant to the chancellor, Dr. Rhoda left in 1985 to join Tennessee State University, the State’s 1890 Land-Grant institution and largest historically black university.

At Tennessee State University, Dr. Rhoda filled several roles, including the interim director of development and the associate vice president for administration.

In 1990, Dr. Rhoda returned to the Tennessee Board of Regents as vice chancellor for Administration. In that role, Dr. Rhoda acted as a trouble-shooter for the Tennessee State system in a variety of capacities. As the interim president of Nashville State Technical Institute, he was responsible for correcting severe fiscal and personnel issues at that institution. As the acting chancellor for the Board of Regents, he carried out a variety of initiatives, in particular a capital

master plan for the state's twenty-six technology centers, and the search for a permanent chancellor.

II. DR. RHODA IS QUALIFIED TO CRAFT A REMEDIAL PLAN TO ADDRESS THE NEEDS OF THE HBIS.

The Court's November 8, 2017 order requires that, in consultation with the university presidents and appropriate State officials, the Special Master craft a Remedial Plan that accounts for the existing strengths and accreditation concerns of each HBI. ECF 642 at ¶ 2. Dr. Rhoda's experience serving in the administration of Tennessee State University is particularly relevant here. Shortly before Dr. Rhoda joined Tennessee State University in 1985, a settlement had been reached in a statewide higher education desegregation lawsuit. *See generally Geier v. Alexander*, 593 F. Supp. 1263 (M.D. Tenn. 1984). Efforts to increase white attendance at Tennessee State University were a centerpiece of that agreement. *See id.*, 593 F. Supp. at 1272-73 (“SBR and the Tennessee Higher Education Commission . . . agree to develop . . . a comprehensive plan for the enhancement of Tennessee State University . . . , with the unique specialized regional and statewide missions, and to implement [its] mission as the regional urban university for Middle Tennessee.”).

During his years at Tennessee State University, Dr. Rhoda held several posts that align with the specific areas of expertise sought by the Court. For example, Dr. Rhoda launched the Institute of Government at Tennessee State University and recruited the charter class of Ph.D. students. This expertise is

relevant to the Special Master’s duty to propose new programs building on each institution’s area of strength. ECF 642 ¶¶ 2.a, b. Dr. Rhoda also directed external relations and served as chief development officer for Tennessee State University. This experience in directing external relations informs his understanding of marketing, recruitment, and related initiatives relative to HBIs. *Id.* at ¶ 2.g. And as head of Tennessee State University’s downtown campus, Dr. Rhoda learned to consider existing physical building capacity at each institution when proposing new programs for that institution. *Id.* at ¶ 2.b.

In addition to experience relevant to addressing the comprehensive needs of each HBI, Dr. Rhoda is also familiar with the development and growth of educational centers within each institution. *See id.* at ¶ 2.c. At Vanderbilt University, Dr. Rhoda served as the first assistant director of the Peabody Center for Education Policy and the co-director for the Center for the Support of Professional Practice in Education. His experience teaching undergraduate and graduate courses while serving as a faculty member at Vanderbilt and East Tennessee State University strengthened that knowledge.

III. DR. RHODA HAS THE APPROPRIATE BACKGROUND TO ADDRESS CONCERNS THAT COULD ARISE IN IMPLEMENTING A REMEDIAL PLAN WITH STATE-WIDE EFFECTS.

In implementing a Remedial Plan, the Special Master must be cognizant “that this decree imposes a state-wide remedy,” which includes “considering the educational soundness and practicability of possible alternatives.” ECF 642 ¶¶ 2.f, k. Dr. Rhoda’s leadership of the Tennessee Higher Education Commission is

relevant here. In 1997, Dr. Rhoda was called upon to lead the Tennessee Higher Education Commission as its executive director, and held that position for 17 years. The Tennessee Higher Education Commission, like its Maryland counterpart, reviews and approves new academic programs, and its procedures include consideration of potential duplication of existing academic programs. Dr. Rhoda chaired a legislative taskforce at the Tennessee Higher Education Commission that developed the Tennessee Education Lottery Scholarship. Under Dr. Rhoda's tenure, the Tennessee Higher Education Commission also played a significant role in developing the Tennessee Promise, a unique scholarship program for students attending community colleges and colleges of applied technology, which was championed by then-Governor Bill Haslam and has attracted national attention. After his retirement from the Tennessee Higher Education Commission, Dr. Rhoda served as the interim dean of the Clemmer College of Education at East Tennessee State University and currently directs that institution's Center for Community College Leadership and Professor of Educational Leadership and Policy Analysis.

IV. ESTIMATED COST PROPOSAL

To serve as Special Master, Dr. Rhoda proposes to be compensated at a rate of \$1,000 per day and reimbursement for reasonable travel expenses. Periodically, for certain technical matters, Dr. Rhoda may also wish to hire a consultant with expertise in analysis of higher education data, to be compensated at a rate to be later determined.

CONCLUSION

For the reasons stated above, the State proposes that the Court engage Dr. Richard Rhoda as Special Master.

Respectfully submitted,

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